

## Chapter 11 Congress

1. Three Forms of Congressional Power
  - A. **Expressed Powers**—
  - B. **Implied Powers**—
  - C. **Inherent Powers**—
2. Strict v Liberal Construction
  - A. **Strict Constructionists**—led by **Jefferson**—argued that the only powers granted to congress should be the expressed powers and the implied powers needed to carry out the expressed powers. Wanted to keep power in with the states.
  - B. **Liberal Constructionists**—led by **Hamilton**—favored a broad interpretation of the Constitution and a broad construction of power to congress. Over the years, factors like wars, economic crisis, national emergencies, plus a general consensus from the people for a broader interpretation

### Expressed Powers

1. Taxation—charge on people or property to raise money for public needs
  - A. Congress may levy taxes to meet public needs, protect domestic industry, and protect public health and safety.
  - B. Four Explicit Limitations on Taxation Power:
    - i. No taxation for private benefit
    - ii. No taxes on exports
    - iii. **Direct taxes**—
    - iv. **Indirect taxes**—
2. Power to Borrow
  - A. Congress may borrow money to finance its business
  - B. The Federal Government often spends more than it takes in
3. Commerce
  - A. Congress may regulate interstate and foreign trade
  - B. Power to regulate all trade between individual states and nations
  - C. Commerce power implies many other powers, but does have limits
4. Currency
  - A. Power to coin money and regulate its value—SC ruled paper money legal in 1871—legal tender—any kind of money that a creditor must by law except in payment for debts
5. **Bankruptcy**—legal proceedings in which assets are distributed among who the debt is owed.
  - A. Make bankruptcy laws, a concurrent power

6. Foreign Relations/War Powers
  - A. Deal with foreign states, shares this power with the President
  - B. Declare war, raise and support military
7. Additional Powers
  - A. **Naturalization**—foreign citizens become U.S. citizens
  - B. Postal Power—set up post offices
  - C. Copyrights and Patents—rights over publications and inventions
 

**Copyright**—exclusive right of an author to reproduce, publish, or sell his or her creative work

**Patent**—grants a person the sole right to manufacture, use, or sell “any new and useful art, machine, manufacture, or composition of matter, or any new or useful improvement.
  - D. Weights and Measures
  - E. Power over Territories and other Areas—power to acquire, manage, and dispose of federal areas. **Eminent domain**—
- E. Judicial Powers—set up federal courts below the SC

#### Implied Powers

1. **Appropriation**—
2. **Necessary And Proper Clause**—
3. **McCulloch vs Maryland, 1918**

#### NonLegislative Powers

1. Constitutional Amendments—Congress may propose an amendment
2. Electoral Duties—may be asked to elect a President if a majority is not reached (House). May be asked to vote on a successor, replacement, of the Vice President (25<sup>th</sup> Amendment)
3. **Impeachment**—accuse, bring charges—requires a majority vote by the House and a 2/3 votes by the Senate to convict.
4. Executive Powers—given to Senate
  - i. Appointments—all major appointments by the President must be confirmed by the Senate
  - ii. Treaties—works with the President on treaties and must accept or reject a treaty.
5. **Investigatory Power**—usually in committees or subcommittee—may investigate: to gather information for legislation, oversee executive branch agencies, focus on a particular subject, expose questionable activities by a public official, or to promote the particular interest of some members of Congress.

## Ch 12 Congress in Action

1. Organization of the House
  - A. New term begins January 3, every odd number year.
  - B. Clerk of the House from the preceding term calls in the session, takes roll of members, who then elect a Speaker of the House
  - C. Speaker of the House has usually been decided by the majority party and the vote is just a formality. Speaker takes oath by the Dean of the House, member elect with longest years of service
  - D. Speaker swears in the rest of the members as one body. Democrats take the right side of the aisle and Republicans the left
  - E. House elects clerk, sergeant at arms, chief administrative officer, and chaplain, none of who are members
  - F. House then adopts the rules that will govern the proceedings, a 400 page document that is rarely changed
  - G. 19 permanent committees are appointed by floor vote
2. Organization of the Senate
  - A. Senate is a continuous body that has been organized without interruption.
  - B. First day of the sessions are short and routine, swearing in new and reelected members, filling committee positions, and a few various tasks.
3. State of the Union Address
  - A. Once both houses are organized, a joint committee is formed which informs the President they are ready to receive any communication he may be pleased to make.
  - B. At the end of January, early February, the President gives an annual address to a joint session of congress, the cabinet, Supreme Court Justices, and other diplomats and dignitaries.
  - C. Address is a report of both domestic and foreign policy terms and is really a message to the American people and the rest of the world
4. Presiding Officers
  - A. **Speaker of the House**—presiding officers of the House and leader of the majority party. Job is to preside and keep order, interprets and applies rules, puts motions to vote, may be the deciding vote if needed, names all select and conference committees, and signs all bills.
  - B. **President of the Senate**—Vice President—less powerful than the Speaker of the House—does have the usual powers of a presiding officer, but cannot debate and can only vote to break a tie. Influence on the Senate is only because of relationships and personal abilities.

- C. **President Pro Tempore**—serves in the absence of the VP. Elected by the Senate and is the leading member of the majority party—usually longest serving member

5. Party Officers

- A. **Party Caucus**—
- B. **Floor Leaders**—
- C. **Whips**—
- D. **Committee Chairman**—

6. Committees

- A. Divide up the work of Congress
- B. Bills are started here and most are pigeonholed—(killed)

7. Committee Chairpersons—6 year term

- A. Members of and selected by the majority party
- B. Set the agenda—decide what bills will be heard and when

8. Seniority Rules

- A. Committee assignments are based on seniority
- B. Parties vote on secret chairs—sometimes seniority doesn't matter
- C. **Party Ratios**—the % of members that each party has determines the number they have on each committee

9. Standing Committees

- A. Permanent committees that meet every year
- B. 20 in the House and 20 in the Senate

10. Main House Committees

- A. **Rules**—called the “traffic cop”—they set the rule for the bills and determine when and if they get to the floor for debate and a vote
- B. **Ways and Means**—all tax bills (revenue bills) start here
- C. **Appropriations**—the money committee—all the bills that require money must go through this committee.

11. Main Senate Committees

- A. **Finance**—tax committee in the Senate
- B. **Appropriations**—Money—Senator Harkin is on this committee
- C. **Banking and Agriculture**—both are important to Iowa

12. Select Committees

- A. Are temporary committees that are set up to deal with a special need
- B. Watergate, Whitewater and the CIA leak committees are examples

13. **Joint Committees**—

14. **Conference Committee**—

15. **Bills**—proposed laws
  - A. May start in either the House or the Senate (except for tax bills)
  - B. About 10,000 bills are introduced each term, only about 600 become laws
  - C. 50% of all bills that are passes are recommended by the President and introduced by members of his party
16. **Public Bills**—
17. **Private Bills**—
18. **Riders**—
19. **Joint Resolution**—
20. **Concurrent Resolution**—
21. **Resolution**—
22. Steps in a bill becoming a Law
  - A. Committee
    - i. bill is introduced in the House or the Senate and assigned to a committee
    - ii. Committee chair and senior members of the committees have the major say in which bills are debated and voted on
    - iii. To get through the floor, the bills have to make it through numerous committees
    - iv. **Discharge petition**—a petition in the House with 218 signatures send the bill out of committee and to the floor for debate and a vote
  - B. Put on the calendar—a date and time is set for debate
  - C. Rules Committee grants a rule—decided in the House when a bill will be heard and sets the rules of debate
  - D. Debate on House floor
    - i. Each party gets a specific amount of time and the debate is controlled by the speaker
    - ii. **Quorum**—one half of the members plus one are needed to debate and vote—218 in the House and 51 in the Senate
    - iii. **Committee of the Whole**—the House can adjourn into the committee

of the whole—it requires that 100 members be present—they can debate but not vote—the speaker steps down

B. House Voting

- i. amendments to the bill—proposed changes to the original bill that must be voted on first
- ii. voice votes—ayes and nays
- iii. Standing votes
- iv. **Roll call vote**—main method—takes about 45 minutes if the clerk calls each members name—most of the time it is done electronically—members can vote yes, no, or present

23. House rules on debate—1 hr max per person—unless there is a unanimous vote—each party has a set time and they choose how to divided it up among their speakers

24. Senate rules on debate—

- A. Senator who has the floor may speak as long as he/she wishes
- B. **2 speech rule**—a Senator may not speak more than 2x on the same issue on the same day
- C. **Filibuster**—used to stall a vote—a Senator or a group of Senators keep the floor
- D. **Cloture**—way to force an end to a filibuster—requires 16 signatures on a petition and 3/5 majority vote (60)—they they have 30 more hours of debate before a vote

25. Presidential actions on a bill

- A. Sign bill into law
- B. Veto—Congress can override with 2/3 majority
- C. Do nothing for 10 days and the bill automatically becomes law
- D. If there are less than 10 days left in the term and the President does nothing, it becomes a **pocket veto**—the measure then dies